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PATENT
674523-2005.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kingsman *et al.*
Serial No. : 10/661,761
For : RETROVIRAL VECTORS
Filed : September 11, 2003
Examiner : Richard A. Schnizer
Art Unit : 1635

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Charles Jackson
(Signature of person mailing paper or fee)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

This is in further response to the July 11, 2005 Office Action, with an Amendment and Response to Office Action filed concurrently.

I, Thomas J. Kowalski, declare that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf of Oxford Biomedica (UK) Limited ("Oxford"), the assignees of the above-captioned application ("the present application") and U.S. Patent Nos. 6,312,682 ("the '682 patent") and 6,669,936 (the '936 patent);

That Oxford has a place of business at Medawar Centre, Robert Robinson Avenue, The Oxford Science Park, Oxford, OX4 4GA, Great Britain;

That Oxford is the assignee of the entire right, title and interest in, to and under the present application, U.S. Application Serial No. 10/661,761, by virtue of the assignment from the inventors as set out at Reel 1 015708 and Frame 0810, wherein said assignment was recorded at the U.S. Patent and Trademark Office on February 14, 2005.

That Oxford is the assignee of the entire right, title and interest in, to and under U.S. Application Serial No. 09/915,169, filed July 25, 2001, now U.S. Patent No. 6,669,936, as a divisional of U.S. Application Serial No. 09/224,014, filed December 28, 1998, now U.S. Patent No. 6,312,682, by virtue of the assignment from the inventors as set out at Reel 9676 and Frame 0060, where said assignment was recorded at the U.S. Patent and Trademark Office on December 28, 1998;

That Oxford hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '682 patent or the '936 patent;

That Oxford hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '682 patent and '936 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '682 patent and '936 patent, in the event that the '682 patent or '936 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignee, states that Oxford is the assignee of the entire right, title and interest in the patents and patent application identified above (the '682 patent, the '936 patent and the present application) by virtue of the assignments identified above.

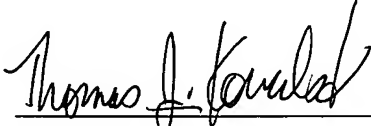
And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Reconsideration and withdrawal of the double patenting rejection are respectfully requested and consideration, entry and recordation of this Terminal Disclaimer are also earnestly solicited, with any fee therefor or any overpayment in such fees, to be charged or credited to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

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